

Fresno, California

April 8, 2003

The City Council met in regular session at the hour of 8:31 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Tom Boyajian	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Dr. D. Merrill Ewert, President, Fresno Pacific University, gave the invocation, and Councilmember Duncan led the Pledge of Allegiance to the Flag.

PROCLAMATION OF AQUARIUS AQUARIUM DAY - PRESIDENT BOYAJIAN

PROCLAMATION OF HBO SPORTS AND TOP RANK BOXING WEEK -MAYOR AUTRY

RESOLUTION OF COMMENDATION TO THE CITY'S FLEET MANAGEMENT DIVISION - MAYOR AUTRY AND CITY COUNCIL

PRESENTATION TO CITY OFFICIALS AND COMMISSIONERS BY THE CASA SAN MIGUEL HOMEOWNERS ASSOCIATION

The above proclamations and resolution were read and presented and the presentation was made.

RESOLUTION OF COMMENDATION TO THE CALIFORNIA STATE UNIVERSITY, FRESNO GIRLS' BASKETBALL TEAM AND COACH - ACTING PRESIDENT CASTILLO

Not presented.

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**APPROVE MINUTES:**

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of April 1, 2003, approved as submitted.

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**APPROVE AGENDA:**

REQUEST FOR STATUS ON PRIOR REQUEST TO CHANGE "OPERATION CLEAN-UP" FROM TWICE A YEAR TO ONCE A YEAR - COUNCILMEMBER DAGES

Request made with City Manager Hobbs advising staff has been looking at various options and recommendations would be coming forth in the FY 04 budget.

(10:15 A.M.) HEARING CONTINUED TO 4:35 P.M.

(10:30 A.M. #1) HEARING TO CONSIDER ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREET FOR A 13-PARCEL INDUSTRIAL DEVELOPMENT PROJECT, REZONING APPLICATION NO. R-02-27, FILED BY LEO WILSON, PROPERTY LOCATED ON THE SOUTH SIDE OF E. COPPER BETWEEN N. MAPLE AND N. CEDAR AVENUES (CONTINUE TO APRIL 22, 2003, AT 2:45 P.M.)

Continued as noted.

On motion of Acting President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**ADOPT CONSENT CALENDAR:**

(1-A) \* **RESOLUTION NO. 2003-86** - 75<sup>TH</sup> AMENDMENT TO AAR 02-216 APPROPRIATING \$9,900 FOR THE POLICE DEPARTMENT'S CALIFORNIA SEATBELT COMPLIANCE CAMPAIGN (CSBCC)

(1-B) REJECT SINGLE BID FOR A REQUIREMENTS CONTRACT FOR PLUMBING SERVICES (LABOR ONLY)

(1-C) AWARD A CONTRACT FOR THE BASE BID (WHICH INCLUDES THE PREFERRED CANAL LINING METHOD) IN THE AMOUNT OF \$3,189,800 TO AGEE CONSTRUCTION CORPORATION OF CLOVIS FOR REGIONAL WASTEWATER RECLAMATION FACILITY REALIGNMENT OF DRY CREEK AND REHABILITATION OF CANAL "A"

(1-D) DECLARE ALLSTAR FIRE EQUIPMENT OF ARCADIA, CALIFORNIA, NON-RESPONSIVE TO THE SPECIFICATIONS AND REJECT THEIR BID; AND AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO CASCADE FIRE EQUIPMENT OF MEDFORD, OREGON, IN THE AMOUNT OF \$123,705.66 FOR LARGE DIAMETER FIRE HOSE

(1-E) AWARD A CONTRACT TO SANCHEZ GRADING OF FRESNO IN THE AMOUNT OF \$52,134.56 FOR FINK-WHITE NEIGHBORHOOD PLAYGROUND IMPROVEMENTS

(1-F) AUTHORIZE AND DIRECT THE PUBLIC WORKS DIRECTOR TO EXECUTE A COMMON USE AGREEMENT WITH THE FRESNO IRRIGATION DISTRICT OVER A LANDSCAPED AREA AT SIERRA AND BABIGIAN AVENUES

(1-H) APPROVE A \$52,000 HOME COMMUNITY HOUSING AND DEVELOPMENT ORGANIZATION (CHDO) PRE-DEVELOPMENT LOAN TO THE HOUSING ASSISTANCE CORPORATION FOR A FEASIBILITY STUDY AND TO ASSESS THE NEED TO REHABILITATE PROPERTIES ALONG W. CALIFORNIA AVENUE; AND AUTHORIZE THE CITY MANAGER/DESIGNEE TO EXECUTE THE HOME INVESTMENT PARTNERSHIPS PROGRAM CHDO AGREEMENT, INCLUDING PROJECT-SPECIFIC TECHNICAL ASSISTANCE/SITE CONTROL LOAN

(1-I) APPROVE APPOINTMENT OF DR. SUDARSHAN KAPOOR TO THE HUMAN RELATIONS COMMISSION - ACTING PRESIDENT CASTILLO

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian

Noes : None  
Absent : None

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**CONTESTED CONSENT ITEMS:**

**(1-G) APPROVE APPOINTMENT OF JENNIFER WHITE TO THE PLANNING COMMISSION - MAYOR AUTRY**

Councilmember Duncan requested action be delayed two weeks so he could meet and speak with Ms. White clarifying he was not opposed to the appointment. Councilmember Sterling stated she recommended Ms. White for the appointment and that Ms. White was very qualified, advised time was of the essence and the appointment needed to be made, and requested Council take action this date and stated she would schedule appointments with each Council member to meet Ms. White.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the appointment of Jennifer White to the Planning Commission hereby approved, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

(\*Note: Later in the meeting Ms. White appeared before Council and introduced herself and spoke to her qualifications.)

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**(3-A) \* BILL NO. B-20 - ORDINANCE NO. 2003-24 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO CIVIL SERVICE BOARD REGULATIONS**

On motion of Councilmember Dages, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill No. B-20 adopted as Ordinance No. 2003-24, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3-B) \* BILL NO. B-25 - ORDINANCE NO. 2003-25 - REPEALING ARTICLE 22 OF CHAPTER 2 OF THE FRESNO MUNICIPAL CODE RELATING TO CAMPAIGN CONTRIBUTION LIMITS FOR CANDIDATES FOR ELECTIVE OFFICE**

City Attorney Montoy gave a brief overview of the issue advising a new ordinance would be coming back within 30 days, and **(2 - 0)** clarified issues and/or responded to questions of Councilmember Calhoun relative to the voluntary expenditure ceiling, the options that were presented to Council last week, and what new features would be coming back relative to limitations. President Boyajian clarified action this date would only repeal the current ordinance and Councilmember Duncan added Council would be repealing an obsolete ordinance and a new updated one would be coming back for consideration.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-25 adopted as Ordinance No. 2003-25, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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Council for approving her appointment and spoke briefly to her qualifications, her involvement/work in the community, and her work with Mayor Autry and City Manager Hobbs.

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**(3-C) \* RESOLUTION NO. 2003-87 - 79<sup>TH</sup> AMENDMENT TO AAR 02-216 APPROPRIATING \$127,200 FROM THE COMMUNITY SANITATION FUND BALANCE, AND RATIFY THE EXECUTED AGREEMENT WITH THE FRESNO COUNTY PROBATION DEPARTMENT FOR WORK CREWS COMPOSED OF JUVENILES SENTENCED TO COMMUNITY SERVICE**

HECD Manager Todd reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the need for the City of Fresno to run the program and in opposition to utilizing juveniles stating jobs should be given to adults.

Councilmember Dages spoke to the outstanding job done by City employee Jess Garcia and commended him and the program, and made a motion to approve staff's recommendation. Code Enforcement Manager Villa responded to questions of Acting President Castillo and President Boyajian relative to contact person for alley clean-up, if work was done on public property only, the adult offender program, and if clean-ups were still occurring in CDBG areas.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the executed agreement hereby ratified, and the above entitled Resolution No. 2003-87 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**UNSCHEDULED REDEVELOPMENT AGENCY AND CITY COUNCIL ORAL COMMUNICATIONS:**

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING THE DOWNTOWN STADIUM PAYMENTS, FINANCING AND BOND CONCERNS

Appearance made.

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**RECESS - 9:43 A.M. - 10:02 A.M.**

**(10:00 A.M.) PRESENTATION BY LORETTA LYNCH, PRESIDENT OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION (PUC) - COUNCILMEMBER CALHOUN**

Councilmember Calhoun gave a brief overview of the issue stating he believed the energy crisis was still with us and Ms. Lynch would touch on what Fresno, as a city, could do about it, and introduced Ms Lynch and read into the record information on Ms. Lynch's background.

Ms. Lynch gave a PowerPoint presentation which included the following issues: local issues the PUC works with cities on, energy efficiency programs, discounts to eligible customers, re-evaluation of energy use baseline amounts, PUC regulation of water companies, safety in local communities, and rail safety; and spoke to the need for the City and the PUC to work together, the need for the City's help for the safety and protection of consumers, lowering rates, and the need for the City to get involved and have its voice heard at the PUC.

Lengthy discussion ensued with Ms. Lynch and City Manager Hobbs clarifying issues and/or responding to questions/comments of Councilmembers Duncan, Dages, Castillo, Calhoun and President Boyajian relative to rates/surcharges, the state bonding some of the expense which consumers will have to pay for over the next 20 years, concern with spreading

the cost out over 20 years with future generations paying for mistakes that were made, what the PUC and the Governor were

doing to insure consumers do not go through “out of control” energy rates again, if there was an effort to control costs by targeting utility companies’ profits **(3 - 0)**, the importance of P.G. & E. to the community and what the PUC was doing to help good companies lower their costs, if the PUC was doing anything to assist with bringing a power plant to the area to help the local economy, frustration with railroads/crossings, if the PUC could help put pressure on the railroads to (1) construct an overcrossing at East and Hamilton Avenue for safety reasons and (2) repair battered railroad crossings, why P.G. & E’s request to the PUC for a rate reduction was put on hold, why the City and the Workforce Development Board were denied their request for an opportunity to administer an energy efficiency program, how energy savings were measured/quantified for schools, status of shifting \$600 million of Southern Edison’s debt into P.G. & E. rate users and what can be done to insure those costs are not passed on to Fresno’s rate payers, purchasing power at an inflated price being the reason for the energy crisis, who was responsible for doing due-diligence on the “Enrons of the world that gouged the state”, if Ms. Lynch felt deregulation worked, if staff had any on-going issues/concerns that the PUC could be engaged to assist with, if the PUC could assist the city with trains and noise/whistle-blowing in the early morning hours, concurrent jurisdiction with the railroads and if a local ordinance would be upheld, deregulation of local telephone service, and if the PUC had seen any investment/jobs come to the state since the deregulation of energy. There was no further discussion.

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**(10:45 A.M.) APPEARANCE BY TOM BOTTORFF, VICE PRESIDENT, P.G. & E. CUSTOMER SERVICES, TO DISCUSS ENERGY ISSUES - ACTING PRESIDENT CASTILLO**

An unidentified P.G. & E. representative advised Mr. Bottorff could not be present and introduced Ken Cooper, PG&E Services Analysis, San Francisco, who updated Council on various energy issues including reliability/available supply, online power plants and those under construction, funds budgeted for service reliability projects for Fresno alone, energy efficiency and key programs in place to reduce consumption, economic development, distributed generation (DG)/central station power plants, community aggregation, and the bankruptcy issue and ongoing confidential discussions. Mr. Cooper concluded and stated it was PG& E’s desire and intent to maintain its partnership/relationship with the City.

Discussion ensued with Mr. Cooper, City Attorney Montoy and City Manager Hobbs responding to comments and questions of Councilmembers Duncan, Castillo, Perea and President Boyajian relative to the perception of not much interest by the PUC to help PG&E, **(4 - 0)** what the impact would be to PG&E if the State regulates PG&E’s profits and operations, strong concern with ratepayers being burdened with Southern Edison’s debt including need to fight “tooth and nail” and keep Fresno informed, need for a high quality power plant such as the one Calpine was proposing, the \$600 million debt issue and what the City did to stop the vote when it was before the PUC, commendation to PG&E for great communication and an excellent working relationship, PG&E’s rate reduction request to the PUC, how Fresno can become more involved to get its share of PUC funds and energy saving programs, status of franchise fees negotiations, status of the California Avenue office, and if PG&E has seen any investment in California by energy companies as a result of deregulation. There was no further discussion.

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**LUNCH RECESS - 11:27 A.M. - 2:00 P.M.**

**(2:00 P.M. #1) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: U.S.A. V. COF AND FAMILY ALLIANCE FOR THE MENTALLY ILL; AFFORDABLE HOMES, INC., CRAIG HARVEY AND JANE DOE V. COF, ET AL., U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA, CASE NO. CV-F-96-5349 OWW DLB**

**(B) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: CITY OF FRESNO V. GUADALUPE S. LOMELI**

**(C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. AMALGAMATED TRANSIT UNION (ATU) UNIT 06
2. FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

**(2:00 P.M. #2) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:**

**(A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

**PROPERTY:** 3 PARCELS OF LAND -- ONE IMMEDIATELY EAST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY BETWEEN KERN AND MONO STREETS, AND TWO IMMEDIATELY WEST OF AND ADJACENT TO THE BNSF RAILROAD RIGHT OF WAY BETWEEN TULARE AND INYO STREETS, INCLUDING THE OLD SANTA FE DEPOT

**CITY NEGOTIATORS:** ROBB WOOD, ROBERT ENGLISH, JERRY HAYNES AND MARLENE MURPHEY

**NEGOTIATING PARTIES:** BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF)

**UNDER NEGOTIATION:** TERMS AND PRICE

The City Council met in regular closed session and joint closed session with the Redevelopment Agency in Room 2125 at the hour of 2:00 p.m. to consider the above issues. The City Council reconvened in regular open session at 3:20 p.m.

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Visiting students and teachers from BEST Home School and Duncan Polytechnical High School were recognized and welcomed.

**(2:30 P.M.) DISCUSSION REGARDING INITIATING THE PROCESS TO RENAME THE "OLD" CONVENTION CENTER EXHIBIT HALL THE "ERNEST E. VALDEZ HALL" BY SETTING A PUBLIC HEARING - COUNCILMEMBER DAGES**

Reviewed by Councilmember Dages who stated he wanted to set a hearing for April 29<sup>th</sup>; spoke to Mr. Valdez' experience and long career with the City of Fresno; stated he felt it was appropriate to name the old exhibit hall as it had never been named; and made a motion to set a hearing for April 29<sup>th</sup> at 11:00a.m.

Councilmember Calhoun noted naming a building was a major decision signifying something special for a community; stated he was concerned this may not be the proper process; clarified he did not mean to be critical but questioned if retiring from one's job warranted naming a building after that person; stated if this route is approved he felt it should be done broader and opened to the community and schools adding maybe after that approach someone with a greater impact on the valley would be determined; pointed out Council would probably be addressing the issue of how the convention center facilities are managed possibly resulting in a new management team being brought in; recommended waiting for awhile before making any rapid decision that would affect the buildings; acknowledged Mr. Valdez' name could be found to be the one that truly belongs on the building but he did not feel it was the right time to start the process; and made a motion to table the matter six months, which motion died for lack of a second.

Councilmember Duncan stated there was a dire need for investment to improve the convention center facilities and one of the issues discussed was naming rights; recommended Council hold off on naming all the facilities until the naming rights issue is addressed; and suggested Council look at another avenue of recognizing Mr. Valdez' many fine years of service and yet still hold onto the significant value of the naming rights of all the convention center buildings.

Acting President Castillo spoke in support of the motion stating this was a good opportunity to recognize someone who did so much for the community; pointed out Mr. Valdez began his career at the convention center as a maintenance worker and worked his way up to director; spoke briefly to Mr. Valdez' work philosophy citing an incident wherein he responded very quickly to a Council request; and clarified a public hearing would give the community an opportunity to be heard. Councilmember Dages responded briefly to questions of President Boyajian relative to what exactly would be named (i.e., one room, one building, the ballroom) and where the name would go. Councilmember Dages clarified he was only asking this date that a hearing be set on April 29<sup>th</sup> adding full discussion would occur at that time.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, a public hearing to consider naming the old Convention Center Exhibit Hall the "Ernest E. Valdez Hall" set for April 29, 2003, at 11:00 a.m., by the following vote:

Ayes :	Castillo, Dages, Perea, Sterling, Boyajian
Noes :	Calhoun, Duncan
Absent :	None

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**(3:00 P.M.) HEARING ON REZONING APPLICATION NO. R-02-56 AND ENVIRONMENTAL FINDINGS, FILED BY FIRST AMERICAN TITLE, PROPERTY LOCATED ON THE EAST SIDE OF N. BARTON BETWEEN E. ASHLAN AND E. SHIELDS**

AVENUES (DISTRICT 4)

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. R-02-56  
2. **BILL NO. B-26 - ORDINANCE NO. 2003- 26** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M-1/cz TO M-1/cz, LIGHT MANUFACTURING WITH MODIFIED CONDITIONS

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Acting President Castillo corrected the location to Ashlan and *Dakota*, not Shields.

Planner Allinder advised there had been no response to public noticing and the staff report as submitted was complete.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, Environmental Assessment No. R-02-56, dated March 10, 2003, resulting in a Categorical Exemption hereby approved, and the above entitled Bill No. B-26 approving Rezoning Application No. R-02-56 deleting the requirement for an extraordinary 50-foot building setback and 20-foot landscaped yard adopted as Ordinance No. 2003-26, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3:15 P.M.)** HEARING ON REZONING APPLICATION NO. R-02-050 AND ENVIRONMENTAL FINDINGS, FILED BY DON PICKET AND ASSOCIATES, PROPERTY LOCATED ON THE SOUTH SIDE OF E. CLINTON AVENUE 600 FEET EAST OF N. CLOVIS AVENUE (5676 E. CLINTON AVENUE) (DISTRICT 4)

1. CONSIDER AND ADOPT FINDING OF NEGATIVE DECLARATION PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. R-02-50

2. **BILL NO. B-27 - ORDINANCE NO. 2003- 27** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-A TO M-1

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Beach clarified the property site was in District 4 (not 5 as listed on the agenda), and advised the matter was unopposed and gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, RESOLVED, the Negative Declaration prepared for Environmental Assessment No. R-02-050, dated February 11, 2003, hereby approved, and the above entitled Bill No. B-27 approving Rezoning Application No. R-02-050 subject to Condition No. III in the staff report adopted as Ordinance No. 2003-27, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian  
Noes : None  
Absent : None

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**(3:30 P.M.)** JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:41 p.m. and met in joint session with the Redevelopment Agency.

On motion of Acting President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the Agency minutes of March 18, 2003, approved as submitted.

**(“A”)** CONSIDER APPROVAL OF THE FIFTH REQUEST BY CIVIC CENTER SQUARE, INC., TO AMEND THE SETTLEMENT STIPULATION AND STIPULATED JUDGMENT TO ALLOW UP TO SIX (6) ADDITIONAL MONTH-TO-MONTH EXTENSIONS OF TIME TO BEGIN AND COMPLETE CONSTRUCTION OF IMPROVEMENTS ON PARCEL 7 WITHIN THE CIVIC CENTER SQUARE AREA OF TULARE STREET BETWEEN “N” AND “O” STREETS

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, advised current terms would remain the same, and recommended if the request is approved that the Settlement Stipulation and Stipulated Judgement be amended as outlined in the staff report.

Chair Duncan stated one advantage of the agreement was the Agency was getting consideration equal to the tax increment that would be received if the building were built.

Acting President Castillo stated it was great the compensation the Agency was receiving was comparable to the tax increment but stated reducing the \$400,000 judgement also needed to be addressed, and offered a proposal to CCSI to continue the \$5,000 per month payment through the end of July, with the payment changing to \$30,000 on August 1, 2003, to \$35,000 on September 1<sup>st</sup>, and to \$40,000 on October 1<sup>st</sup>. Acting President Castillo stated this would be money owed to CCSI if the Court of Appeal moved on its own volition and added it was his hope construction would begin by the end of June.

Mr. Tutelian, CCSI, stated had Council seen what the project timeline looked like for the next six months their view of the request would be different; advised his father would have to respond to the payment proposal as he could not make a commitment; and questioned how the monetary figures were arrived at and clarified why the \$400,000 amount was negotiated. Acting President Castillo responded and reiterated his goal was to reduce the cost to the Agency, stated hopefully in three months construction will have commenced, and stated this was a twenty year project that had not occurred and Council needed to start looking at the \$400,000 owed to CCSI. Mr. Tutelian clarified three months were needed but they were asking for six months as the future was unclear and unpredictable.

Chair Duncan stated he was comfortable with CCSI's request stating the City was receiving far more than they would get from anyone else, and made a motion to approve the extensions, which motion was seconded and acted upon after brief discussion with Mr. Tutelian responding to questions of President Boyajian relative to whether the project timeline was public (with Mr. Tutelian speaking to the list of things they expected to achieve) **(5 - 0)**, if project plans/negotiations were moving forward at this time, and if there was a possibility ground could be moving in three to four months.

On motion of Chair Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, a month-to-month extension hereby granted to CCSI for the next six (6) months, and the Settlement Stipulation and Stipulated Judgement hereby amended to include: (1) Extension to begin construction for up to six (6) months; (2) Compensation package of \$10,000 monthly payment continue; (3) All attorney's fees for processing this extension be paid by CCSI; and (4) CCSI shall begin construction on or before October 30, 2003, and complete construction by April 30, 2005, on Parcel 7, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None  
Absent : None

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**(“B”)** HEARING TO CONSIDER AND TAKE RECOMMENDED ACTIONS RELATIVE TO THE ROEDING INDUSTRIAL BUSINESS PARK REDEVELOPMENT PROJECT AREA

**#1.** ADOPT RESOLUTIONS DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN EASEMENTS AND RIGHTS-OF-WAY ALONG MARKS AVENUE, GENERALLY BETWEEN BELMONT AND W. WHITESBRIDGE ROAD, FOR THE ROEDING INDUSTRIAL BUSINESS PARK: (COUNCIL ACTION)

**a. \* RESOLUTION NO. 2003-88 - BALOIAN, TIMOTHY AND BARBARA LIVING TRUST - APN 326-150-08**



- d. \* **RESOLUTION NO. 2003-91-** CRIPPEN, ARCHIE C. AND MARION, HWJT - APN 326-060-18
- e. \* **RESOLUTION NO. 2003-92-** EVANSKI, ETHEL AND JOHN III (½ INT) - APN 326-100-01
- f. \* **RESOLUTION NO. 2003-93 -** FLEMING, DAN - APN 458-050-28
- g. \* **RESOLUTION NO. 2003-94 -** FRESNO AUTO DEALERS - APN 458-050-31 AND APN 458-050-30
- h. \* **RESOLUTION NO. 2003-95 -** HASSON, HAMOOD AND FATHIYA, HWJT - APN 449-121-24
- i. \* **RESOLUTION NO. 2003-96 -** HONDA, LUELLA ANN - APN 326-150-08449-121-13 AND APN 326-150-08449-121-14
- j. \* **RESOLUTION NO. 2003-97-** HOOD BROTHERS, A GENERAL PARTNERSHIP - APN 326-060-22
- k. \* **RESOLUTION NO. 2003-98 -** KINDER CO., A CALIFORNIA PARTNERSHIP - APN 326-160-34 AND APN 326-160-35
- l. \* **RESOLUTION NO. 2003-99 -** WILLIAMS, WILL AND MARTHA (FORMERLY METZGER) - APN 458-080-01
- m. \* **RESOLUTION NO. 2003-100-** NAFFZIGER, LARRY C., SR. - APN 326-160-14
- n. \* **RESOLUTION NO. 2003-101 -** FRESNO IRRIGATION DISTRICT - APN 326-160-12; APN 326-160-10; 458-20-??
- o. \* **RESOLUTION NO. 2003-102 -** NICKS TRUCKING, INC, - APN 326-060-31
- p. \* **RESOLUTION NO. 2003-103 -** PATEL, VICKRAMBHAI G. AND PRITI V. HWJT - APN 326-060-24 AND APN 326-060-25
- q. \* **RESOLUTION NO. 2003-104 -** SOUTHERN PACIFIC RAILROAD - APN 326-010-12 AND APN 458-010-01
- r. \* **RESOLUTION NO. 2003-105 -** SPARKS, BRADLEY K. AND JANET L., HWCP

**#2.** AUTHORIZE THE EXECUTION OF PURCHASE AGREEMENTS WITH THE OWNERS OF THE ABOVE PROPERTIES FOR THE EASEMENTS AND RIGHTS-OF-WAY SUBJECT TO APPROVAL OF THE CITY ATTORNEY OR RETAINED OUTSIDE COUNSEL (COUNCIL AND AGENCY ACTION)

**#3.** AUTHORIZE THE CITY MANAGER OR DESIGNEE, THE EXECUTIVE DIRECTOR OR THE REDEVELOPMENT ADMINISTRATOR, AND THE OFFICE OF THE CITY ATTORNEY OR RETAINED OUTSIDE COUNSEL, TO TAKE ACTIONS AND EXECUTE SUCH DOCUMENTS INCLUDING, WITHOUT LIMITATION, NEGOTIATING AND EXECUTING ANY AGREEMENTS AND INSTRUMENTS THAT MAY BE NECESSARY TO FINALIZE OR CARRY OUT THE INTENTS AND PURPOSES OF THE AGENCY AND/OR CITY COUNCIL (COUNCIL AND AGENCY ACTION)

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted; noted technical corrections had been made to the resolutions and were on file with the City Clerk; and advised of the findings to be made.

Upon call, no one wished to be heard and Chair Duncan closed the hearing.

Director Fitzpatrick added adoption of the resolutions was necessary for buying the right-of-way for the final phase of public improvements, and Councilmember Sterling spoke in support of the issue stressing this project was very important for District 3 and urged Council's support.

On motion of Councilmember Sterling, seconded by Acting President Castillo, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2003-88 through 2003-105 hereby adopted, *as amended*; the execution of purchase agreements with the owners of the above properties for the easements and rights of way hereby authorized subject to approval of the City Attorney or retained outside Counsel; and the City Manager or designee, the Executive Director or the Redevelopment Administrator, and the office of the City Attorney or retained outside counsel, authorized to take actions and execute such documents including, without limitation, negotiating and executing any agreements and instruments that may be necessary to finalize or carry out the intents and purposes of the Agency and/or City Council, by the following vote:

Ayes :	Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan
Noes :	None
Absent :	None

**(C) REPORT ON LOCATION AND CONSTRUCTION OF PONDING BASIN "T" STORM DRAINAGE FACILITIES, AND DIRECTION FROM COUNCIL AND THE REDEVELOPMENT AGENCY (JOINT ACTION)**

Assistant Public Works Director Kirn reviewed the issue as contained in the staff report as submitted, advised an

extension on the State grant to facilitate the relocation of the ponding basin (which was staff's recommendation) had been received, and spoke to the two options available to Council and to the issue with the FAA (need to negotiate with them on the City and the Gap exchanging property).

Acting President Castillo and Assistant City Manager Esquivel responded to comments/concerns of Councilmember Calhoun relative to his frustration "with an issue that never seems to go away", whether anything would ever be resolved, and the State grant. Mr. Esquivel, Director Fitzpatrick, City Attorney Montoy and an unidentified staff member responded to comments and questions of Acting President Castillo and President Boyajian relative to who would be responsible for funding if the State grant is lost, request for a report on all costs incurred against this project, concern that the project has yet to get off the ground, what became of the option to relocate the basin to the golf course, Option 1 calling for negotiations with the Gap, the FAA and the State, if the FAA will be willing to bifurcate the issues, staff's belief that there is sufficient evidence to substantiate the need for the basin due to airport flooding issues (independent of the big Gap issue), if the FAA's position was the City did not have the authority to sell property to the Gap for \$1.00, and if there was any litigation with the FAA at this time. Further clarifications were made by staff on the basin issue.

On motion of Acting President Castillo, seconded by Chair Duncan, duly carried, RESOLVED, (1) Option 1 to relocate the Basin hereby approved, (2) staff directed to pursue negotiations with the Gap Corporation, the State, and the Federal Aviation Administration (FAA) to allow for the construction of Ponding Basin "T" on City/Airport-owned property; (3) if an agreement with the FAA is not reached, or receipt of the \$500,000 State grant is in jeopardy, staff directed to pursue Option 2; and (4) staff directed to report back to Council and the RDA Board within 90 days on the status of the negotiations, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None  
Absent : None

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The joint bodies adjourned their meeting at 4:26 p.m. and the City Council reconvened in regular session.

**RECESS - 4:26 P.M. - 4:32 P.M.** Acting President Castillo arrived later.

**(4:30 P.M.)** CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 46, FINAL TRACT NOS. 5070 AND 5077

**1. RESOLUTION NO. 2003-106 - ANNEXING TERRITORY TO CFD NO. 2, AND AUTHORIZING THE LEVY OF A SPECIAL TAX**

**2. RESOLUTION NO. 2003-107 - CALLING SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NOL 2003-108 - DECLARING ELECTION RESULTS**

**4. \* BILL NO. B-28 - ORDINANCE NO. 2003-28 - LEVYING A SPECIAL TAX FOR THE 2003-2004 PROPERTY TAX YEAR AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 46**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Assistant Public Works Director Kirn gave a brief overview of the issue as contained in the staff report as submitted.

Jeff Roberts, no address given, spoke in support of staff's recommendation.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2003-106, 2003-107 and 2003-108 hereby adopted; and the above entitled Bill No. B-28 adopted as Ordinance No. 2003-28, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Perea, Sterling, Duncan  
Noes : None

Absent : Castillo

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**(4:35 P.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-02-07, REZONING APPLICATION NO. R-02-14, AND ENVIRONMENTAL FINDINGS, FILED BY BRUCE O'NEAL LAND USE ASSOCIATES, ON BEHALF OF SAINT AGNES MEDICAL CENTER, PROPERTY LOCATED AT THE NORTHWEST CORNER OF E. SPRUCE AND N. SPALDING AVENUES (DISTRICT 6)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. A-02-07/R-02-14

2. **RESOLUTION NO. 2003-109** - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN

3. **BILL NO. B-29 - ORDINANCE NO. 2003-29** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2/UGM/cz TO C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy recused herself from the proceedings due to a conflict of interest. Acting President Castillo returned to the meeting at 4:36 p.m. Councilmember Duncan spoke briefly in support stating this was a routine matter and made a motion to approve staff's recommendation.

Planner Chamberlain gave a brief overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-07, R-02-14, dated February 26, 2003, hereby approved; the above entitled Resolution No. 2003-109 hereby adopted; and the above entitled Bill No. B-29 rezoning the subject property adopted as Ordinance No. 2003-29, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None  
Absent : None

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**(4:40 P.M.)** CONTINUED HEARING TO CONSIDER ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREET FOR A 13-PARCEL INDUSTRIAL DEVELOPMENT ON THE SOUTH SIDE OF E. CLINTON BETWEEN N. CLOVIS AND N. SUNNYSIDE AVENUES (TENTATIVE PARCEL MAP NO. 2002-26) (DISTRICT 4)

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. TPM-2002-26, DATED FEBRUARY 25, 2003

2. **RESOLUTION NO. 2003-110** - APPROVING THE PROPOSED STREET ALIGNMENT AND WIDTHS

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

A Planning staff member advised the staff report as submitted was complete and recommended approval.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Dages, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2002-26, dated February 25, 2003, hereby approved; and the above entitled Resolution No. 2003-110 approving the proposed street alignment and widths as shown on Exhibit A (of the staff report) dated January 17, 2003, hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Dages, Perea, Sterling, Duncan  
Noes : None

Absent :        None

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 4:43 p.m. having arrived and hearing no objection, President Boyajian declared the meeting adjourned.

**APPROVED** on the 22nd day of April, 2003.

_____/s/_____ Tom Boyajian, Council President	ATTEST:_____/s/_____ Yolanda Salazar, Assistant City Clerk
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